UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:13-cv-154-RJC

MELISSA M. REYNOLDS,)	
Plaintiff,)	
v.))) OR	DER
CAROLYN W. COLVIN,)	DER
Acting Commissioner of Social Security Administration,)	
Defendant.))	

THIS MATTER comes before the Court on Plaintiff's Motion for Attorney Fees under the Equal Access to Justice Act 28 U.S.C. § 2412(d)(1)(A) (Doc. No. 17). The Defendant consents to the Plaintiff's Motion (Doc. No. 18).

The parties have stipulated and agreed to the award to Plaintiff of \$6,147.43 for full settlement in satisfaction of any and all claims for attorney's fees pursuant to the Equal Access Justice Act (Docs. No. 17-18). In light of this Court's prior remand of this matter, and in the absence of any contention by the Commissioner that her position was substantially justified or that special circumstances exist that would render an award of attorney's fees unjust, the Court concludes that the Plaintiff is entitled to an award of attorney's fees under the EAJA.

The Commissioner will pay the award of fees directly to Plaintiff's counsel, provided that it is shown that as of the date of this Order, the Plaintiff does not owe any debt to the United States Government which is subject to offset. See Astrue v. Ratliff, 130 S.Ct. 2521 (2010).

IT IS, THEREFORE, ORDERED that:

- 1. The Plaintiff's Motion for Attorney Fees under the Equal Access to Justice Act (Doc. No. 17) is hereby **GRANTED**, and the Plaintiff is hereby awarded attorney's fees in the amount of Six Thousand One Hundred and Forty-Seven Dollars and Forty-three Cents (\$6,147.43), which sum is in full satisfaction of any and all claims the Plaintiff in this case pursuant to 28 U.S.C. § 2412(d).
- 2. The Commissioner shall inform Plaintiff's counsel whether the Plaintiff owes a debt to the Government by which this fee award may be offset no later than thirty (30) days from entry of this Order. Within the same time period, the Plaintiff shall provide a valid fee assignment to the Defendant.
- 3. In the event that past-due benefits are awarded on remand, the Plaintiff shall have thirty (30) day after being served with notice of the past-due benefits award to file for an award of fees pursuant to the Social Security Act, 42 U.S.C. § 406(b).
- 4. No additional Petition pursuant to 28 U.S.C. § 2412(d) may be filed.

Signed: February 4, 2015

Robert J. Conrad, Jr.

United States District Judge